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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund,
LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Status And Agenda For October 19,
2009 Hearing filed by USACM
Liquidating Trust**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

**1. Objection to Claim 10725-01162 of Securities and Exchange
Commission in the amount of unknown: 06-10725-lbr, USA Commercial Mortgage
Company, Chapter: 11**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

Filed: Objection to Claim 10725-01162 of Securities and Exchange
03/27/2009 Commission in the amount of unknown with Certificate of
Service Filed by JOHN HINDERAKER on behalf of USACM
LIQUIDATING TRUST [6979]

Status At the request of counsel for the Securities and Exchange
Commission, the Trust requests that this hearing be continued to
an omnibus hearing in December (December 18, 2009) and the
deadline for any response by the SEC be due two weeks before
the hearing. A stipulation has been filed with the Court and Order
uploaded.

2. Motion To Stay Pending Appeal on behalf of EAGLE RANCH, LLC
Adv. 08-01122-lbr, USACM Liquidating Trust v. J.M.K. Investments, Ltd. Et al: Lead
case: 06-10725-lbr USA Commercial Mortgage Company

Motion filed: Motion To Stay Pending Appeal with Certificate of Service Filed
09/04/2009 by DANA A. DWIGGINS on behalf of EAGLE RANCH, LLC
145

07/01/2009 Stipulation By Eagle Ranch, LLC and Between Defendants
Anthony Monaco, Susan Monaco and Monaco Diversified
Corporation and Plaintiff USACM Liquidating Trust to Continue
Hearing on Defendant, Eagle Ranch's Motion to Stay Proceedings
Pending Ruling on Writ of Mandamus Filed by DANA A.
DWIGGINS on behalf of EAGLE RANCH, LLC [171]

07/01/2009 Order Granting Stipulation to Continue Hearing on Defendant,
Eagle Ranch's Motion to Stay Proceedings Pending Ruling on
Writ of Mandamus (First Request) [172]

Status Moot. Order Approving Settlement with Eagle Ranch entered on
October 13, 2009 [DE 7598]

3. Motion for Summary Judgment (Partial) on behalf of David A Fogg:
Adv. 08-01209-lbr USACM Liquidating Trust et al v. Fogg: Lead case 06-10725-lbr USA
Commercial Mortgage Company

Motion filed: Motion for Summary Judgment (Partial) with Certificate of
08/18/2009 Service Filed by EDWARD PATRICK SWAN JR. on behalf of
DAVID A FOGG [34]

Status Moot. Order approving Rule 41 Stipulation of Dismissal of Causes of Action entered on September 10, 2009 [DE #39]

4. Twenty-First Omnibus Objection to Proofs of Claim for Lack of Documentation Filed: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 07/22/2009 Twenty-First Omnibus Objection of the USACM Liquidating Trust to Proofs of Claim for Lack of Documentation With Certificate Of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [7258]

Order 9/2/09 Order Sustaining Twenty-First Omnibus Objection Of The USACM Liquidating Trust To Proofs Of Claim For Lack Of Documentation (Except Claim No. 10725-01301 Filed By Norman & Caryn Kiven Joint Tenants) entered 09/02/2009

Status No response was received from Norman & Caryn Kiven. The Trust will request that the objection be sustained.

5. Omnibus Objection to Claim of in the amount of Twenty-Second Omnibus Objection to Proofs of Claim for Lack of Documentation (except Don Marshall claim): 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 07/22/2009 Omnibus Objection to Claim of in the amount of Twenty-Second Omnibus Objection to Proofs of Claim for Lack of Documentation with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [7260]

Withdrawal filed: 08/17/2009 Withdrawal of Objection to Proof of Claim filed by Don P. Marshall Trust (7336)

Status No response filed. The Trust will ask the Court to sustain the objection.

6. Motion to Distribute Funds/Proceeds to Authorize First Interim Distribution to Unsecured Creditors: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Motion filed: Motion to Distribute Funds/Proceeds to Authorize First Interim
09/15/2009 Distribution to Unsecured Creditors Filed by JOHN
HINDERAKER on behalf of USACM LIQUIDATING TRUST
[7486]

Response and Response and Objection filed by Silar Special Opportunities Fund
Objection filed: [7580]
10/07/2009

Reply filed Reply to Response and Objection to Motion to Authorize First
10/12/09 Interim Distribution to Unsecured Creditors [DE 7594]

Status The Trust will ask the Court to overrule Silar's objection and
grant the Motion.

The Trust will ask the Court to approve Exhibit A attached to the
Motion, including the changes resulting from any orders or
withdrawals of claims entered since the Trust filed the Motion and
as a result of this omnibus hearing. Also, attached hereto as
Appendix A is a list of changes to Exhibit A that the Trust made
since it filed the Motion and which the Trust asks the Court to
approve. These changes resulted as a consequence of contacts
from claimants in response to the Motion and further review of
the claims by the Trust. Appendix A includes an explanation of
the reasons for the changes.

**7. Objection to Claim 10725-00863 of Rocklin/Redding LLC in the amount
of \$2,000,000:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Objection to Claim 10725-00863 of Rocklin/Redding LLC in the
09/17/2009 amount of \$2,000,000 with Certificate of Service Filed by
MARVIN C. RUTH on behalf of USACM LIQUIDATING
TRUST [7490]

Status No response filed. The Trust will ask the Court to sustain the
objection.

**8. First Objection of USACM Liquidating Trust to Double Counted
Claims:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: First Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7493]

Status No response filed. The Trust will ask the Court to sustain the objection.

9. Second Objection of USACM Liquidating Trust to Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Second Objection of Certificate of Service USACM Liquidating Trust to Double Counted Claims; and With Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7496]

Status No response filed. The Trust will ask the Court to sustain the objection.

10. Third Objection of USACM Liquidating Trust to Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Third Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7498]

Status No response filed. The Trust will ask the Court to sustain the objection.

11. Fourth Objection of USACM Liquidating Trust to Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Fourth Objection of USACM Liquidating Trust to Double Counted Claims with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7500]

Status No response filed. The Trust will ask the Court to sustain the objection.

12. Fifth Objection of USACM Liquidating Trust to Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Fifth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7502]

Status No response filed. The Trust will ask the Court to sustain the objection.

13. Sixth Omnibus Objection of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Sixth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7504]

Status No response filed. The Trust will ask the Court to sustain the objection.

14. Seventh Omnibus Objection of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Seventh Omnibus Objection Of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7506]

Status No response filed. The Trust will ask the Court to sustain the objection.

15. Eighth Omnibus Objection of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Eighth Omnibus Objection Of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7508]

Status No response filed. The Trust will ask the Court to sustain the objection.

16. Ninth Omnibus Objection Of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Ninth Omnibus Objection Of USACM Liquidating Trust To Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7510]

Status No response filed. The Trust will ask the Court to sustain the objection.

17. Tenth Omnibus Objection OF USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Tenth Omnibus Objection Of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7513]

Status No response filed. The Trust will ask the Court to sustain the objection.

18. Eleventh Omnibus Objection Of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Eleventh Omnibus Objection Of USACM Liquidating Trust to Double Counted Claims; and Certificate Of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7515]

Status No response filed. The Trust will ask the Court to sustain the objection.

19. Twelfth Omnibus Objection Of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Twelfth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7517]

Status No response filed. The Trust will ask the Court to sustain the objection.

1 **20. Thirteenth Omnibus Objection Of USACM Liquidating Trust To**
2 **Double Counted Claims:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter:
3 11

4 **Objection filed:** Thirteenth Omnibus Objection Of USACM Liquidating Trust to
5 09/18/2009 Double Counted Claims; and Certificate Of Service Filed by
6 MARVIN C. RUTH on behalf of USACM LIQUIDATING
7 TRUST [7519]

8 **Notice 10/14/09** Amended Notice of Errata to Thirteenth Omnibus Objection of
9 USACM Liquidating Trust to Double Counted Claims [DE 7638]

10 **Status** No response filed. The Trust will ask the Court to sustain the
11 objection.

12 **21. Fourteenth Omnibus Objection Of USACM Liquidating Trust To**
13 **Double Counted Claims:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter:
14 11

15 **Objection filed:** Fourteenth Omnibus Objection Of USACM Liquidating Trust to
16 09/18/2009 Double Counted Claims; and Certificate of Service Filed by
17 MARVIN C. RUTH on behalf of USACM LIQUIDATING
18 TRUST [7521]

19 **Status** No response filed. The Trust will ask the Court to sustain the
20 objection.

21 **22. Fifteenth Omnibus Objection of USACM Liquidating Trust To Double**
22 **Counted Claims:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

23 **Objection filed:** Fifteenth Omnibus Objection of USACM Liquidating Trust to
24 09/18/2009 Double Counted Claims; and Certificate of Service Filed by
25 MARVIN C. RUTH on behalf of USACM LIQUIDATING
26 TRUST [7523]

Status No response filed. The Trust will ask the Court to sustain the
 objection.

23. Sixteenth Omnibus Objection Of USACM Liquidating Trust To Double
 Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Sixteenth Omnibus Objection Of USACM Liquidating Trust to

09/18/2009 Double Counted Claims; and Certificate Of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7525]

Status No response filed. The Trust will ask the Court to sustain the objection.

24. Seventeenth Omnibus Objection of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 Seventeenth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7527]

Status No response filed. The Trust will ask the Court to sustain the objection.

25. Eighteenth Omnibus Objection of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 Eighteenth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7529]

Status No response filed. The Trust will ask the Court to sustain the objection.

26. Nineteenth Omnibus Objection of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 Nineteenth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7531]

Notice filed: 09/25/2009 Notice of Errata to Nineteenth Omnibus Objection with Certificate of Service Filed by MARVIN C. RUTH on behalf of

1 USACM LIQUIDATING TRUST [7571]

2 10/07/2009 Stipulation re Proof of Claim filed by Blair E. Roach and Barbara
3 Roach and Withdrawal of Objection as to Proof of Claim No.
4 10725-2294 [7583]

5 10/08/2009 Order Approving Stipulation [7585]

6 **Status** No response filed. The Trust will ask the Court to sustain the
7 objection as to all claims other than the claim filed by Blair and
8 Barbara Roach (Proof of Claim No 10725-02294.)

9 **27. Twentieth Omnibus Objection of USACM Liquidating Trust To Double
Counted Claims::** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

10 **Objection filed:** Twentieth Omnibus Objection of USACM Liquidating Trust to
11 09/18/2009 Double Counted Claims; and Certificate of Service Filed by
12 MARVIN C. RUTH on behalf of USACM LIQUIDATING
13 TRUST [7533]

14 **Notice filed:** Amended Notice of Errata to Twentieth Omnibus Objection of
15 USACM Liquidating Trust to Double Counted Claims [DE 7639]

16 **Status** No response filed. The Trust will ask the Court to sustain the
17 objection.

18 **28. Twenty-First Omnibus Objection of USACM Liquidating Trust to
Double Counted Claims:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter:
19 11

20 **Objection filed:** Twenty-First Omnibus Objection Of USACM Liquidating Trust
21 09/18/2009 to Double Counted Claims; and Certificate Of Service Filed by
22 MARVIN C. RUTH on behalf of USACM LIQUIDATING
23 TRUST [7535]

24 **Status** No response filed. The Trust will ask the Court to sustain the
25 objection.

26 **29. Twenty-Second Omnibus Objection of USACM Liquidating Trust to
Double Counted Claims:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter:
11

Objection filed: Twenty-Second Omnibus Objection Of USACM Liquidating

09/18/2009 Trust to Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7538]

Status No response filed. The Trust will ask the Court to sustain the objection.

30. Twenty-Third Omnibus Objection of USACM Liquidating Trust to Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 Twenty-Third Omnibus Objection Of USACM Liquidating Trust to Double Counted Claims; and Certificate Of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7541]

Status No response filed. The Trust will ask the Court to sustain the objection.

31. First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Arapahoe Land Investments, LP Loan: (SINGLE LOANS) 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 First Omnibus Objection Of USACM Trust to Proofs of Claim Based Upon Investment in the Arapahoe Land Investments, LP Loan with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [7545]

Amended Objection filed: 09/24/2009 Amended First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Arapahoe Land Investments, LP Loan (Amended to Correct Exhibit) with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7567]

Status Hearing rescheduled to November 13, 2009 [DE 7568]

32. Twenty-Fourth Omnibus Objection of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 Twenty-Fourth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate Of Service Filed by

MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7547]

Status No response filed. The Trust will ask the Court to sustain the objection.

33. Twenty-Fifth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 Twenty-Fifth Omnibus Objection of USACM Liquidating Trust to Double Counted Claims; and Certificate Of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7550]

Status No response filed. The Trust will ask the Court to sustain the objection.

34. First Omnibus Objection of USACM Trust to Proofs of Claim Based, In Whole or In Part, Upon Investment in the Rio Rancho Executive Plaza, LLC Loan: (Multiple Loans) 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 First Omnibus Objection of USACM Trust to Proofs of Claim Based, In Whole or In Part, Upon Investment in the Rio Rancho Executive Plaza, LLC Loan with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [7552]

Status No response filed. The Trust will ask the Court to sustain the objection.

35. Twenty-Sixth Omnibus Objection of USACM Liquidating Trust To Double Counted Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 09/18/2009 Twenty-Sixth Omnibus Objection Of USACM Liquidating Trust To Double Counted Claims; and Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7553]

Status No response filed. The Trust will ask the Court to sustain the objection.

36. Motion to Approve Settlement with Amesburyport Corporation Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure: Adv. 08-01127-lbr USACM Liquidating Trust v. Amesburyport Corporation: Lead case: 06-10725-lbr USA Commercial Mortgage Company

Motion filed: 08/20/2009 Motion to Approve Settlement with Amesburyport Corporation Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure with Certificate of Service Filed by JON MAXWELL BEATTY on behalf of USACM LIQUIDATING TRUST [34]

Status Unopposed. The Trust will ask the Court to enter an order approving the settlement.

37. Motion to File Amended Document on behalf of Wells Fargo Bank, N.A.: Adv. 08-01135-lbr USACM Liquidating Trust et al v. Wells Fargo Bank, N.A.: Lead case: 06-10725-lbr USA Commercial Mortgage Company

Motion filed: 09/25/2009 Motion to File Amended Document with Certificate of Service Filed by DEAN V. FLEMING on behalf of WELLS FARGO BANK, N.A. [165]

Amended Motion 10/8/09 Amended Motion to File Amended Document Filed by DEAN V. FLEMING on behalf of WELLS FARGO BANK, N.A [DE 170].

10/14/2009 Stipulation And Order By WELLS FARGO BANK, N.A. and Between Plaintiff Granting Wells Fargo Bank, N.A.'s Unopposed Amended Motion for Leave to File First Amended Answer and To Vacate Hearing Filed by DEAN V. FLEMING on behalf of WELLS FARGO BANK, N.A. [176]

Status Hearing vacated pursuant to Stipulation and Order

Dated October 16, 2009.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker, AZ 18024
Rob Charles, NV 6593
John Hinderaker, AZ 18024 (*pro hac vice*)
Counsel for USACM Liquidating Trust

PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail postage prepaid on October 16, 2009 to the parties listed on Post-Effective Official Service List for Limited Notice No. 5 Dated March 31, 2009.

/s/ Leilani Lista
Leilani Lista